

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10833 of 1996

with

CIVIL APPLICATION No 5210 of 1997

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

(1 to 5 NO)

SOLANKI NAYANABEN KALIDAS

Versus

ADMINISTRATIVE OFFICER

Appearance:

1. Special Civil Application No. 10833 of 1996
MR RC JANI for Petitioners
MR AD OZA for Respondent No. 1
MR HS MUNSHAW for Respondent No. 3
MR ND GOHIL AGP for Respondent No. 4
-

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 17/06/97

ORAL JUDGEMENT

1. Pursuant to the advertisement for preparation of wait list, published on 10th February 1989, the petitioners had applied for appointment as Water-servers under the respondents. Pursuant to the said advertisement, selections were made and a wait list of around 355 candidates was prepared on 17th February 1992. All the petitioners have been placed on the said wait list, however, they have not been appointed as Water-servers. In a meeting held on 31st December 1996, the respondents resolved to cancel the above referred wait list prepared in the month of February 1992 and to invite fresh applications for the existing vacancies in the cadre of Water-servers. Feeling aggrieved, the petitioners have preferred this petition and have claimed right to appointment pursuant to their selection as aforesaid. I am informed that the said merit list was operated till August 1996 and as many as 259 candidates have been offered appointment in order of their merits. The petitioners have however found their placement at Sr.No. 271 and below. The petitioners, thus, could not be offered appointment pursuant to their selection and placement in the above referred wait list.

2. It is a settled proposition of law that merely by selection, a candidate does not get a right to appointment. It is not in the interest of the administration or the public to continue the select list/wait list for an indefinite period without preparing the fresh list.

3. In the circumstances, the petitioners can not be permitted to claim right to appointment pursuant to their selection made as far back as in the year 1992. The petition is therefore summarily rejected. Notice is discharged.

JOSHI

